

# Major Case Processing Events

## KEY

<b>USDC:</b> U.S. District Court for the district from which the appeal originates	<b>FRAP:</b> Federal Rules of Appellate Procedure
<b>USCA:</b> U.S. Court of Appeals for the First Circuit	<b>LR:</b> Local Rules for the U.S. Court of Appeals for the First Circuit
<b>USTC:</b> United States Tax Court	<b>IOP:</b> Internal Operating Procedures for the U.S. Court of Appeals for the First Circuit
<b>USC:</b> United States Code	<b>NOA:</b> Notice of Appeal
<b>IFP:</b> In Forma Pauperis	<b>ROA:</b> Record on Appeal

WHAT	WHO	WHEN	REMARKS
<b>Notice of Appeal</b> FRAP 3, 4, 13 Forms 1, 2, 5	Appellant	<u>Civil cases:</u> filed in USDC within 30 days after entry of order or judgment; 60 days if US is a party. <u>Criminal cases:</u> filed in USDC within 10 days after entry of order or judgment; 30 days if US is the appellant. <u>Tax cases:</u> filed in USTC within 90 days after entry of decision	Notice of appeal should indicate the specific order from which party appeals.  Refer to FRAP 4 for effect of certain motions on time to file appeal.
<b>Petition for Review</b> FRAP 15 Form 3	Petitioner	Filed in USCA within time provided by applicable statute.	Attach copy of agency decision to petition.
<b>Petition for Permission to Appeal</b> FRAP 5	Petitioner	Filed in USCA within time provided by applicable statute or rule, or if no time specified, within time for filing NOA.	Length: 20 pages.
<b>Filing and Docketing Fees</b> FRAP 3 LR 3 IOP III(A) 28 USC § 1913	Appellant      Petitioner	<u>Appeals from USDC or USTC:</u> \$255 paid to Clerk, USDC/USTC, due upon filing NOA, unless appellant is IFP . Fee is waived if U.S. appeals.  <u>Agency, writ of mandamus, original proceedings:</u> \$250 docket fee paid to Clerk, USCA, due when filed.	Motion to proceed in forma pauperis, financial affidavit, and prison account statement if applicable, must be filed in accordance with FRAP 24.

WHAT	WHO	WHEN	REMARKS
<b>Docketing Statement</b> LR 3(a)	Appellant	Filed in USCA within 14 days after appeal is docketed.	Must serve on all parties to action below, and in counseled civil cases, on First Circuit Settlement Counsel.
<b>Transcript Order</b> FRAP 10(b) LR 10	Appellant	Sent to Court Reporter within 10 days of filing NOA. Filed with USCA within 14 days after appeal is docketed.	Attach copy to Docketing Statement filed in USCA.
<b>Transcript</b> FRAP 11(b) IOP III(C)	Court Reporter	Filed in USDC with certification to USCA.	Court Reporter must file motion for extension if transcript cannot be filed within deadline.
<b>Statement of Issues and Designation of Contents of Appendix</b> FRAP 10(b)(3) FRAP 30(b) LR 11, 30	Appellant	<u>IF</u> less than the entire transcript is ordered <i>or</i> parties are unable to agree on contents of the appendix, filed in USCA within 10 days from date of filing ROA or, in agency cases, within 10 days from date of filing certified list.	Designation of Contents of Appendix is excused if appellant is IFP.  Appellee may file counter-designation of contents of appendix.
<b>Record on Appeal</b> FRAP 10-12 LR 10, 11	Clerk, USDC	Certified to USCA.	Record on appeal is complete when all necessary transcripts, if any, have been filed.
<b>Corporate Disclosure Statement</b> FRAP 26.1	Any nongovernmental corporation	Filed in USCA with principal brief and upon filing of first pleading. Must file supplemental statement whenever information that must be disclosed changes.	Must file even if have no information to disclose.
<b>Appellant's Brief</b> FRAP 31, 32 LR 31, 32 IOP VI	Appellant	Filed in USCA within 40 days after briefing schedule is set. <u>Non-IFP</u> : Copies: Original + 9 + disk. <u>IFP</u> : Copies: Original + 3 and disk. <u>Pro Se</u> : Copies: Original + 3.	Cover: Blue. Length limit: proportionally spaced typeface - 14,000 words; monospaced typeface - 14,000 words or 1,300 lines.

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<b>Addendum</b> LR 28	Appellant	Bound to appellant's brief. Page limit: 20.	Must include copy of judgment or order being appealed, as well as any underlying opinion or memorandum.
<b>Appendix</b> FRAP 30 LR 30 IOP VI	Appellant	Filed in USCA with appellant's brief. Excused if IFP. Cover: White. Copies: original + 4.	Must include table of contents. Must be paginated.
<b>Appellee's Brief</b> FRAP 31, 32 LR 31, 32 IOP V	Appellee	Filed in USCA within 30 days of service of appellant's brief. <u>Non-IFP</u> : Copies: Original + 9 + disk. <u>IFP</u> : Copies: Original + 3 and disk. <u>Pro Se</u> : Copies: Original + 3 .	Cover: Red. Length limit: proportionally spaced typeface - 14,000 words; monospaced typeface - 14,000 words or 1,300 lines.
<b>Appellant's Reply Brief</b> FRAP 31, 32 LR 31, 32 IOP V	Appellant	Filed in USCA within 14 days of filing appellee's brief. <u>Non-IFP</u> : Copies: Original + 9 + disk. <u>IFP</u> : Copies: Original + 3 and disk <u>Pro Se</u> : Copies: Original + 3.	Cover: Gray. Length limit: proportionally spaced typeface - 7,000 words; monospaced typeface -7,000 words or 650 lines.
<b>Cross Appeals</b> FRAP 28, 31, 32 LR 31, 32 IOP VI	First Brief	Appellant's opening brief filed 40 days after briefing schedule set.	Same color/length as appellant's principal brief.
	Second Brief	Appellee's opening/answering brief filed 30 days later.	Same color/length as appellee's principal brief.
	Third Brief	Appellant's reply brief filed 30 days later.	Same length as principal brief. Cover: Grey.
	Fourth Brief	Appellee's reply brief filed 14 days later.	Same color/length as reply brief.
<b>Amicus Curiae Brief</b> FRAP 29, 31 FRAP 32 LR 31, 32 IOP VI	Amicus curiae	Filed in USCA, and must be accompanied by motion for leave to file unless all parties consent to filing or filer is federal entity or state. Copies: Original + 9 + disk.	Cover: Green. Length limit: proportionally spaced typeface - 7,000 words; monospaced typeface -7,000 words or 650 lines.

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<b>Computer Generated Disk</b> LR 32	Filer represented by counsel	Must be filed simultaneously with brief, petition for rehearing and all other papers exceeding 10 pages.	Must contain pleading cover to cover, exclusive of non-computer generated appendices, in WordPerfect 5.1 or greater.
<b>Supplemental Authority</b> FRAP 28(j)	Any party	Any time after briefing.	Must not exceed 350 words, including footnotes.
<b>Oral Argument</b> FRAP 34 LR 34, 34.1 IOP VIII		Calendar is announced and names of judges disclosed one week before argument. Counsel should be present at least 15 minutes before the opening of Court.	
<b>Bill of Costs</b> FRAP 39 LR 39	Prevailing party	Filed in USCA within 14 days after entry of judgment. Applications for fees are due within 30 days of judgment.	Must be itemized and accompanied by copy of printer's bill, if applicable
<b>Petition for Rehearing</b> FRAP 40 LR 35(b) IOP X	Petitioner	Filed in USCA within 14 days (45 days if civil case in which US or agency is a party) after entry of judgment.	Copies: original + 9 + disk Page limit: 15. Any cover must be white.
<b>Mandate</b> FRAP 41 LR 41	Clerk, USCA	Issued 7 days after either: expiration of time for filing a petition for rehearing, or, after entry of any order denying a petition for panel rehearing, rehearing en banc, or motion for stay of mandate, whichever is later.	Certified copy transmitted to Clerk, USDC.
<b>Petition for Writ of Certiorari</b> 28 USC § 2101 Sup. Ct. R. 13	Petitioner	Filed with Clerk, U.S. Supreme Court, according to statute and the rules of the Supreme Court.	Appointed counsel is referred to LR 45.6.